

Remarks

Examiner Duda is thanked for the thorough Office Action.

In the Claims

Claims 10 and 11 have been amended to spell EOT as "equivalent oxide thickness." These amendments do not narrow the claims and are not believed to be related to patentability.

Claims 37 to 51 are new and have been added to better encompass the full scope and breadth of the invention notwithstanding the patentability of the original claims. Claim 37 is an independent claim and claims 38 to 51 depend from independent claim 37. Claims 37 to 51 are believed to be allowable in view of the Examiner's statements of reasons for allowability.

Claim Rejections

The Rejection Of Claims 10 And 11 Under 35 U.S.C. §112, Second Paragraph, as Being Indefinite for Failing to Particularly Point Out and Distinctly Claim the Subject Matter Which Applicant Regards as the Invention.

The rejection of claims 10 and 11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is acknowledged.

Specifically, the Examiner requested that "EOT" be spelled out. Claims 10 and 11 have been so amended. These amendments are not believed to narrow these claims and are not believed to be related to patentability.

Applicants' urge that in fact claims 10 and 11, when read with the specification as filed at page 8, lines 13 and 14 which discloses "...has an equivalent oxide thickness (EOT)...", are clear as filed and "EOT" can have no other meaning other than "equivalent oxide thickness." "EOT" in claims 10 and 11 are defined by the disclosure as filed as in fact being "equivalent oxide thickness." The amendments to claims 10 and 11 merely spell out in words what "EOT" is defined to be by the specification as filed. The inventors may be their own lexicographers, therefore there is no ambiguity as to what "EOT" defines in claims 10 and 11. Applicants urge that in reading the specification as filed, the abbreviation "EOT" is in fact clear in the claims and may not have other meaning in the instantly claimed invention.

The Rejection Of Claim 1 Under 35 U.S.C. §103(a) as Being Unpatentable Over Feng
(U.S. Patent No. 4,022,932)

The rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over Feng (U.S. Patent No. 4,022,932) (the '932 Feng Patent) acknowledged.

The amendment of claim 1 to include the limitation "wherein the reflowable masking layer is comprised of an oxide" renders claim 1 and its depending claims 2 to 13 allowable by the Examiner's statement of allowance, i.e. "[t]he claims recite a process of forming small features by reflowing a masking layer which is an oxide. Feng does not teach the reflow of an oxide pattern but rather a photoresist pattern." and "...Feng does not teach that the reflowed masking layer is an oxide or of a specified thickness as recited in the non-rejected claims.

Allowable subject matter

The allowance of claims 2 to 9 and 12 to 36 is gratefully acknowledged (Applicants presume the Examiner objects to claims 2 to 9, (and 10 and 11 once amended to overcome the §112, second paragraph, rejection) 12 and 13 as being dependent upon a rejected base claim (claim 1), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims – the amendment to claim 1 renders claim 1 and its depending claims 2 to 9, (and 10 and 11 once amended to overcome the §112, second paragraph, rejection) 12 and 13 allowable).

The allowability of claims 10 and 11 if amended to overcome the §112, second paragraph, rejection is acknowledged. Claims 10 and 11 have been amended to spell out the abbreviation "EOT" and are therefore allowable even though Applicants' urge that claims 10 and 11 were allowable in the form as filed when the specification as filed is considered to precisely determine the spelled out form of the abbreviation "EOT."

Therefore claims 1 to 51 are submitted to be allowable over the cited references and reconsideration and allowance are respectfully solicited.

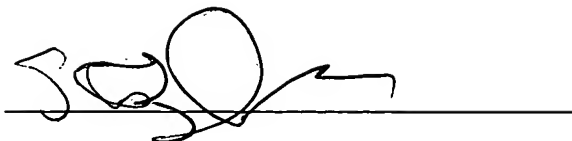
CONCLUSION

In conclusion, reconsideration and withdrawal of the rejections are respectively requested. Allowance of all claims is requested. Issuance of the application is requested.

It is requested that the Examiner telephone Stephen G. Stanton, Esq. (#35,690) at (610) 296 - 5194 or the undersigned attorney/George Saile, Esq. (#19,572) at (845) 452 - 5863 if the Examiner has any questions or issues that may be resolved to expedite prosecution and place this Application in condition for Allowance.

Respectively submitted,

Docket: CS 01 - 027
S/N: 10/072,102

A handwritten signature in black ink, appearing to read 'SBA', is written over a solid horizontal line.

Stephen B. Ackerman
Reg. No. 37,761